

**STATE OF NEW MEXICO  
BEFORE THE WATER QUALITY CONTROL COMMISSION**

**IN THE MATTER OF:  
PROPOSED AMENDMENTS TO  
STANDARDS FOR INTERSTATE AND  
INTRASTATE SURFACE WATERS,  
20.6.4 NMAC**

**No. WQCC 20-51(R)**

**ORDER DENYING AMIGOS BRAVOS'  
MOTION TO STRIKE RE 20.6.4.14.A NMAC AND EPA REG**

Amigos Bravos filed a non-dispositive Motion to Strike on December 8, 2021 that requested the Hearing Officer to strike Triad National Security, LLC and the United States Department of Energy, National Nuclear Security Administration (collectively “LANL’s”) final proposed amendment to 20.6.4.14.A NMAC and a reference to EPA regulation 40 C.F.R. § 122.44(i)(1)(iv) in LANL’s Proposed Statement of Reasons, arguing that there was no evidence in the record to support LANL’s final proposed rule change.

LANL filed a timely Response, Amigos Bravos filed a timely Reply, and the Hearing Officer conducted a two-hour motion hearing on December 30, 2021 with the parties in attendance (NMED did not attend but did file a Notice concurring with the Motion to Strike).<sup>1</sup>

On January 5, 2022, LANL filed a Notice of Compilation of Evidence that satisfied the undersigned Hearing Officer’s request to provide citations to the record proper that supported the inclusion of LANL’s proposed rule change. Being otherwise fully advised in the matter,

**IT IS HEREBY ORDERED** that the motion to strike is DENIED, and the proposed rule change to 20.6.4.14.A NMAC shall remain in the Hearing Officer’s Final Report and outlined in Attachment “A” for the Commission’s future deliberation.

By: Gregory Chakalian Digitally signed by  
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Gregory Chakalian,  
Hearing Officer

<sup>1</sup> 20.1.6.207.F provides “[n]on-dispositive motions may be decided by the hearing officer without a hearing.”

## Certificate of Service

I hereby certify that on January 7, 2022 a copy of the foregoing was emailed to the persons listed below. A copy will be mailed first class upon request.

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